

Supp. To

~~Jurisdictional~~

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 82- 6274

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

HURIE JONES

Appellant

v.

ORLEANS PARISH SCHOOL BOARD

Appellee

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS,
FIFTH CIRCUIT

BRIEF IN OPPOSITION TO APPELLEE'S MOTION TO DISMISS
OR AFFIRM

Appellant, having been authorized to file this motion for an order pursuant to United States Supreme Court Rule 16.5, now urgently request that this court take immediate and decisive judicial notice of the fact that, pursuant to the Supreme Court Rules cited herein, appellee has waived all rights to file a motion to dismiss appellant's appeal nor is appellee entitled by law to file a motion to affirm the lower court's judgment, as erroneously contended by the clerk of this court, due to the documented fact that appellee failed to timely answer or respond by filing such motion after receiving actual notice of the filing of appellant's jurisdictional statement, pursuant to United States Supreme Court Rules 10.7, 12.4, 16.1 16.4. 16.5, 29.2, 29.3 and 29.4.

Thus, the document(s) attached herewith conclusively proves the fact and date on which appellee was served with three(3) copies of appellant's jurisdictional statements pursuant to supreme court Rules 12.3 and 28. Further as a direct result of appellee's failure to timely answer or respond, pursuant to the rules of this court alluded to above,

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appellee is absolutely not entitled to engage in oral argument, in opposition to appellant in this case; pursuant to Supreme Court Rule 38.6 and all other rules of this court enunciated above.

Therefore, appellant submit that, pursuant to Supreme Court Rule 29.4, appellant is severely aggrieved by the shocking and chilling actions taken by the clerk of this court who has, contrary to all the rules of this court, including rule 16 as cited by the clerk in his letter to opposing counsel, dated April 15, 1983, which requested that appellee file a motion to dismiss or to affirm in opposition to appellant's jurisdictional statement; notwithstanding appellee express waiver of his right to file a motion to dismiss or to affirm by allowing the time period for filing such motion to expire.

Thus, any such motion(s), as alluded to above, filed by appellee in this case is absolutely out of time and must be summarily dismissed or denied acceptance.

IT IS ORDERED that appellant's motion for an order denying and rejecting appellee's motion to dismiss appellant's appeal or to affirm the lower court's judgment. Thus, Appellant's motion is hereby granted.

JUSTICE OF THE UNITED STATES SUPREME COURT

Hurie Jones
HURIE JONES
2103 LA QUINTA VIA
HARVEY, LOUISIANA 70058
PHONE # (504) 367- 9621

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing motion and order has been sent to opposing counsel, by placing same in the United States Mail, postage prepaid, on this 21st day of April 1983.

Hurie Jones
Hurie Jones
2103 La Quinta Via
Harvey, Louisiana 70058
Phone # (504) 367- 9621

SUPREME COURT OF THE UNITED STATES

Hurie Jones

Petitioner—Appellant

No. 82- 6274

Orleans Parish School Board

Respondent—Appellee

To Charles T. Curtis, Jr. Counsel for Respondent—Appellee:

YOU ARE HEREBY NOTIFIED that ~~a petition for a writ of certiorari~~—an appeal—in the above-entitled and numbered case was docketed in the Supreme Court of the United States on the 22nd day of February, 1983.

At the request of the Clerk of the Supreme Court, we are sending attached hereto an appearance form to be filed with the Clerk by the counsel of record who will represent your party. The form should be filed at or before the time you file your response to our petition—jurisdictional statement.

Only counsel of record can expect to receive notification of the Court's action(s) in this case.

HURIE JONES

Counsel for Petitioner—Appellant

2103 LA QUINTA VIA

Number and Street

HARVEY, LOUISIANA 70058

City, State and Zip Code

(504) 367- 9621

Telephone Number

NOTE: Please indicate whether the case is a petition for certiorari or an appeal by crossing out the inapplicable terms. A copy of this notice should NOT be filed in the Supreme Court.

CO-75A

IN THE SUPREME COURT OF THE UNITED STATES

Application No. 551

HURIE JONES
APPELLANT

VS.

ORLEANS PARISH SCHOOL BOARD
APPELLEE

CERTIFICATE OF SERVICE

I do hereby certify that I have received three (3) copies of Appellant's Jurisdictional Statements on behalf of all Appellee(s) in this case, this 14 day of February 1983.

Charles T. Custer
Signature of Attorney or Authorized Agent

IN THE UNITED STATES SUPREME COURT

Application No. 551

HURIE JONES

Plaintiff- Appellant

VS.

ORLEANS PARISH SCHOOL BOARD

Defendant- Appellee

AFFIDAVIT OF SERVICE OF DOCUMENTS

I do hereby certify, pursuant to Rule 28 of the Supreme Court of the United States, that all parties to this case or controversy required to be served have been served with three (3) copies of appellant's Jurisdictional Statements for the foregoing styled case; by placing copies of the same in the United States Mail, postage pre-paid this 14th day of February 1983.

Hurie Jones
HURIE JONES

Joycelyn M. Jones
JOYCELYN M. JONES
2103 La Quinta Via
Harvey, Louisiana 70058
(504) 367-9621

Attorney for Appellee
Charles T. Curtis, Jr.
1006 Hibernia Bank Building
New Orleans, Louisiana 70112
(504) 581- 1422

Subscribed and sworn before me this

11th day of February 1983 at ORLEANS Parish, Louisiana.

[Signature]

Notary's Signature

My Commission Expires 12/31/83

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543

April 15, 1983

Charles T. Curtis, Jr., Esq.
1006 Hibernia Bank Building
New Orleans, Louisiana 70112

Re: Hurie Jones v. Orleans Parish School Board
No. 82-6274

Dear Mr. Curtis:

On February 22, 1983, a jurisdictional statement in the above case was filed in this Court to review an order of the U. S. Court of Appeals for the Fifth Circuit (No. 81-3204), dated June 21, 1982.

The Court has directed this office to request that a response be filed in this case. The response in appeals normally takes the form of a motion to dismiss or affirm, as provided for in Rule 16 of the rules of this Court. Ten typewritten or otherwise reproduced copies of your response together with proof of service thereof, should reach this office on or before May 16, 1983.

Kindly acknowledge receipt of this letter on the enclosed copy.

Very truly yours,

Alexander L. Stevas
Clerk

cc: Mr. Hurie Jones
2103 La Quinta Via
Harvey, Louisiana 70058